

## PROF. WERNER RICHTER AND PROF. MAX HORKHEIMER

JULY 2 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 7833]

The Committee on the Judiciary, to which was referred the bill (H. R. 7833) for the relief of Prof. Werner Richter and Prof. Max Horkheimer, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to preserve for Prof. Werner Richter and Prof. Max Horkheimer their United States citizenship notwithstanding their residence abroad.

#### STATEMENT OF FACTS

The beneficiaries of the bill are naturalized citizens of the United States who returned to Germany in 1948 and have since become rectors of the University of Bonn and the University of Frankfurt, respectively. It is stated that their presence there is in the interest of the United States.

A letter date May 28, 1952, to the chairman of the Committee on the Judiciary of the House of Representatives from the Assistant Secretary of State with reference to the case reads as follows:

HON. EMANUEL CELLER,  
Chairman, Committee on the Judiciary,  
House of Representatives.

MAY 28, 1952.

MY DEAR MR. CELLER: Further reference is made to your letter of May 16, 1952, transmitting a copy of H. R. 7833, for the relief of Prof. Werner Richter, and requesting a report on the facts of the case as disclosed in the Department's files and an expression of opinion as to the merits of the bill.

Prof. Werner Hans Richter was born at Berlin, Germany, on May 5, 1887, of German parents; emigrated to the United States in June 1939, when he was 52

years of age; was naturalized as an American citizen by the Circuit Court of Du Page County of Wheaton, Ill., on January 17, 1946; and continued to reside in the United States until May 1948, when he proceeded to Germany to serve as an exchange professor at the University of Marburg. On April 28, 1950, the passport which was issued to Professor Richter by the Department on April 29, 1948, was renewed at the American consulate general at Frankfurt on the Main, Germany, to be valid to April 28, 1952. Professor Richter stated in his passport-renewal application that he had resided in Germany from May 1948 to July 1948 and from October 1949 to the date of his application and that he was teaching as a professor at Bonn and acting as consultant of the National Lutheran Council. On January 24, 1952, Professor Richter applied for registration as an American citizen at the American consulate at Dusseldorf, Germany. In this application, he requested that he be registered until November 1953 in order that he might fulfill his present contract with the University of Bonn, which expires in November 1952, and another term of 1 year as rector of the university. The Department authorized Professor Richter's registration only to October 1, 1952, since it appeared that section 404 of the Nationality Act of 1940 would operate to divest him of American citizenship sometime in October 1952 if he continues to reside in Germany.

There are enclosed a copy of a letter of January 28, 1952, from Professor Richter to Mr. Howland Sargeant of this Department and a copy of a letter of March 10, 1952, from the Honorable John J. McCloy, United States High Commissioner for Germany, which set forth reasons why it is considered desirable from the standpoint of the interests of the United States that Professor Richter continue to serve as rector of the University of Bonn. A copy of a memorandum explaining why it is not possible to document Professor Richter as an American citizen beyond October 1952 is also enclosed. The Department considers that, as a general rule, it is inexpedient to extend relief by means of a private bill in a case such as this, in which the beneficiary has spent so little time in the United States during his lifetime; but, in view of the special considerations which exist in this case, it will offer no objection to favorable action on H. R. 7833.

Sincerely yours,

JACK F. McFALL,  
*Assistant Secretary*  
(For the Acting Secretary of State).

A letter signed by the United States High Commissioner for Germany referred to in the State Department report reads as follows:

UNITED STATES HIGH COMMISSIONER FOR GERMANY,  
APO 80, care of Postmaster, New York, N. Y., March 10, 1952.

Mrs. RUTH B. SHIPLEY,  
*Chief, Passport Division,*  
*Department of State, Washington, D. C.*

MY DEAR MRS. SHIPLEY: If I appear to be departing somewhat from long-established procedures in this matter, it is only because I think it of sufficient importance to bring to your personal attention.

Briefly the situation is this:

Prof. Werner Richter is a naturalized American citizen who came to Germany in October of 1949 and who in October of last year was elected rector of the University of Bonn. His present passport expires on April 28, 1952, and the consul general in Dusseldorf is prepared to issue to him a new passport, which can, under the provisions of the Nationality Act of 1940, only be made valid through the end of the 3-year period during which he will have resided in Germany; that is until some time in October 1952.

The rector of a German university has a position corresponding to that of the president at an American university. Tradition in Germany makes him a man of outstanding position in the community, and he exercises large influence inside and outside university circles. There is political as well as cultural significance in his work.

It is particularly gratifying that an American citizen should have been elected as rector of a German university. Professor Richter is an aggressive champion of educational reform and of democracy in general. I have the greatest respect for him as a person and count him a major asset to us in our efforts. His continued work in Germany, particularly when we are contracting our official activities, will be of definite value to the continuing efforts of democracy to rise here.

The consul general in Duesseldorf is submitting to the Department the consular officer's opinion required by the Department in connection with section 406 of the Nationality Act. Kindly consider this letter my personal recommendation that every consideration be given to extending Professor Richter's passport and to continuing in effect his registration as an American citizen residing abroad.

Sincerely yours,

JOHN J. McCLOY,

*United States High Commissioner for Germany.*

Congressman Francis E. Walter, the author of the bill, submitted the following letters of recommendation regarding Prof. Werner Richter:

MUHLENBERG COLLEGE,  
Allentown, Pa., May 23, 1952.

*To Whom It May Concern:*

I should like to testify to the character, professional integrity, and loyalty of Prof. Werner Richter, a former professor in the department of religion and philosophy here at Muhlenberg College.

Professor Richter was a scholar and philosopher of considerable reputation before he came to Muhlenberg, and he continued his fine reputation while he was here; and it is hoped by all means that he shall be able to retain his American citizenship. My colleagues on the faculty will join me in this statement, if necessary.

Yours very truly,

EDWARD T. HORN, *Chaplain.*

MUHLENBERG COLLEGE,  
Allentown, Pa., May 23, 1952.

*To Whom It May Concern:*

During the few years that Prof. Werner Richter was a colleague on the Muhlenberg College faculty, I found him to be a Christian gentleman of the highest character, reserved in his demeanor, and a true scholar with worthy ideals.

He has in every action of which I am aware been a loyal citizen, and I am pleased to join in this effort to help him retain his citizenship.

GEORGE H. BRANDES, Ph. D.,  
*Head of Chemistry Department.*

MUHLENBERG COLLEGE,  
Allentown, Pa., May 23, 1952.

*To Whom It May Concern:*

I knew Dr. Werner Richter as a colleague and friend on the Muhlenberg College faculty for several years and admired him greatly. He had a brilliant mind and was an excellent scholar in several fields. I was associated with him rather closely in Alpha Kappa Alpha (the honorary philosophical fraternity) and remember his talk on existentialism before that group as one of the most brilliant expositions of a difficult concept that I have ever had the pleasure of hearing.

To the best of my knowledge and belief, Dr. Werner Richter is a Christian gentleman and a loyal and patriotic American citizen.

PERRY F. KENDIG,  
*Head of English Department.*

MUHLENBERG COLLEGE,  
Allentown, Pa., May 23, 1952.

*To Whom It May Concern:*

Prof. Werner Richter, a former professor in the department of religion and philosophy at Muhlenberg College, is a scholar of international reputation and a man of integrity and pronounced idealism. My contacts with him, both professionally and socially, here at Muhlenberg meant much to me, to the stimulus they gave me in my own scholarly work and in the feeling that there are still men of character exerting their influence in education and society.

I feel sure that it would be a distinct loss to America if Professor Richter does not retain his American citizenship.

RALPH C. WOOD,  
*Head of Department of German.*

MUHLENBERG COLLEGE,  
Allentown, Pa., May 23, 1952.

*To Whom It May Concern:*

This is to certify that I have known Dr. Werner Richter since he was associated with Muhlenberg. He is a man of fine character and high intellect. He was very successful as a teacher and was well liked by his students and associates on the faculty.

There never was any question about his loyalty to the United States.

J. V. SHANKWEILER,  
*Head of the Department of Biology.*

MUHLENBERG COLLEGE,  
DEPARTMENT OF HISTORY AND POLITICAL SCIENCE,  
Allentown, Pa., May 23, 1952.

*To Whom It May Concern:*

It was my pleasure to know Dr. Werner Richter during my first year as a member of the faculty of Muhlenberg College. It would, in my estimation, be extremely unfortunate if Dr. Richter were not permitted to keep his American citizenship. He is an educator of the highest type and a profound thinker. We in this country can ill afford to lose the potential service that a man of Dr. Richter's caliber can give.

From my colleagues on the faculty at Muhlenberg College I heard nothing but praise of the excellent influence that Dr. Richter brought to us, not only in his associations with his colleagues but with the students as well.

As a result, I would most strenuously urge that the pending legislation, which would permit Dr. Richter to maintain his American citizenship, be passed without delay.

Respectfully,

R. E. LORISH,  
*Assistant Professor.*

Congressman Walter appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and urged the enactment of the bill and requested that it be amended to include the name of Prof. Max Horkheimer whose case is identical to that of Professor Richter. Congressman Walter submitted the following information in this connection:

DEPARTMENT OF STATE,  
Washington, May 27, 1952.

HON. JACOB K. JAVITS,  
*House of Representatives.*

MY DEAR MR. JAVITS: I received the enclosed letter from Mr. McCloy, regarding Prof. Max Horkheimer, rector of Frankfurt University, and am transmitting it to you at Mr. McCloy's request.

As Mr. McCloy points out, Dr. Horkheimer's case is similar to that of Dr. Richter's, both of whom are doing an excellent job in helping to make young Germany democratic. It will, therefore, be of material assistance for the accomplishment of United States objectives in Germany if it would be possible for each of them to continue as rector of his respective university for one more year.

Sincerely yours,

HENRY J. KELLERMANN,  
*Director, Office of German Public Affairs.*

UNITED STATES HIGH COMMISSIONER FOR GERMANY,  
APO 80, care of Postmaster, New York, N. Y.

HON. JACOB K. JAVITS,  
*House of Representatives, Washington, D. C.*

MY DEAR MR. JAVITS: You will recall that in my letter of April 17, 1952, concerning Professor Richter, I mentioned also the similar situation of Prof. Max Horkheimer, the rector of Frankfurt University. I said in my letter that it appeared that there would be no difficulty in Professor Horkheimer's case.



It appears that we were wrong. Professor Horkheimer's case has been examined in the State Department and it has been determined that he does not come under the exceptions provided by section 406 (b) of the Nationality Act of 1940. Although I naturally hesitate to burden you with this additional problem, I do feel that his great help in our work here justifies whatever efforts may be possible. I am asking you, therefore, to consider including Professor Horkheimer in the private bill I suggested in my previous letter.

For your information in this connection, Professor Horkheimer came to Germany in February of 1950, and under the provisions of the Nationality Act of 1940 his passport can only be valid until February 1953. Although his present term as rector expires in October of this year, there is a strong desire, both on the part of Frankfort University and of my staff, to extend his term as rector beyond the date of his passport's present validity.

Sincerely yours,

JOHN J. McCLOY,

*United States High Commissioner for Germany.*

In addition to the above the Chairman of the Senate Committee on the Judiciary received the following letter from the Assistant Secretary of State in connection with the bill:

JUNE 27, 1952.

Hon. PATRICK A. McCARRAN,

*United States Senate.*

MY DEAR SENATOR McCARRAN: Reference is made to H. R. 7833, a bill introduced in the House of Representatives on May 12, 1952, for the relief of Prof. Werner Richter and Prof. Max Horkheimer. This bill was reported out of the Committee on the Judiciary, to which it had been referred, and will be considered on the floor of the House early next week. Favorable action is anticipated.

I am referring this matter to you with the request that similar action be taken by the Senate on this case. Professor Richter, a naturalized American citizen is rector of the University of Bonn, and Professor Horkheimer, also a naturalized American citizen, is rector of the University of Frankfort. These are two of the leading universities in Germany and it is considered to be in the interest of the United States that necessary action be taken to permit these men to continue in their positions.

The facts in the case are these. Prof. Werner Hans Richter was born in Berlin, Germany, on May 5, 1887, of German parents. He emigrated to America as a refugee from Hitlerism in June 1939; was naturalized as an American citizen by the Circuit Court of DuPage County of Wheaton, Ill., on January 17, 1946; and continued to live in the United States until May 1948, when he proceeded to Germany to serve as an exchange professor at the University of Marburg; and in October of 1951 was elected rector of the University of Bonn.

On April 28, 1950, the passport which was issued to Professor Richter by the Department on April 29, 1948, was renewed at the American consul general in Frankfort, Germany, to be valid to April 28, 1952. Professor Richter stated in his passport renewal application that he had resided in Germany from May 1948 to July 1948 and from October 1949 to the date of his application and that he was teaching as a professor at Bonn and acting as consultant of the National Lutheran Council. On January 24, 1952, Professor Richter applied for registration as an American citizen at the American Consulate at Duesseldorf, Germany. In this application, he requested that he be registered until November 1953 in order that he might fulfill his present contract with the University of Bonn, which expires in November 1952, and another term of 1 year as rector of the university. The Department authorized Professor Richter's registration only to October 1, 1952, since it appeared that section 404 of the Nationality Act of 1940 would operate to divest him of American citizenship sometime in October 1952 if he continues to reside in Germany.

Prof. Max Horkheimer was born in Germany on February 14, 1895. Also a refugee from Hitlerism, he left Germany in 1933 and, subsequently, became a naturalized American citizen. He returned to the University of Frankfort, where he had taught from 1925 to 1933, and has since been elected rector of that university.

He also is serving as chairman of the Institute of Social Science Research in Frankfort. His case parallels that of Professor Richter and therefore H. R. 7833 which originally only named Professor Richter, has been amended to include Professor Horkheimer.

Both Professor Richter and Professor Horkheimer are leaders among the rectors and faculty members of West German universities and are decided contributors to the growth of democratic institutions. Also, because of the location of the capital in Bonn, Professor Richter is brought into constant touch with political and other leaders, and his influence, therefore, is not confined to academic circles.

The reason for urgency in these cases is that on July 2, both the University of Bonn and the University of Frankfurt are holding elections for their rectors for next year. Since both these men are interested in retaining their American citizenship, they will withdraw their candidacy for reelection to the rectorships if there is any doubt that the bill will not be passed.

There are enclosed copies of two letters from Hon. John J. McCloy to Hon. J. K. Javits and also a copy of a letter from Professor Richter to Mr. Howland Sargeant, which set forth reasons why it is considered desirable from the standpoint of the interests of the United States that Professor Richter continue as Rector of the University of Bonn. The Department considers that, as a general rule, it is inexpedient to extend relief by means of a private bill in a case such as this, in which the beneficiaries have spent so little time in the United States during their lifetimes; but, in view of the special considerations which exist in this case, the Department recommends favorable action.

Your assistance in this case will be greatly appreciated.

Sincerely yours,

JACK K. McFALL,

*Assistant Secretary*

(For the Acting Secretary of State).

Enclosures: Copy of letter to Representative Javits from John J. McCloy, undated; copy of letter to Representative Javits from John J. McCloy, dated April 17, 1952; copy of letter to Howland Sargeant from Professor Richter, dated January 28, 1952.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 7833) should be enacted.

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